## REMARKS

In the Office Action of June 6, 2007, the Examiner has rejected claims 1-21. By the present amendment, applicant has amended claims 15-21. After the present amendment, claims 1-21 remain pending in the present application. Reconsideration and allowance of outstanding claims 1-21 in view of the above amendments and following remarks are requested.

### A.    Rejection of Claims 15-21 under 35 USC § 101

The Examiner has rejected claims 15-21, under 35 USC § 101, as being directed to non-statutory subject matter. Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claims 15-21 in accordance with the Examiner's suggestion. Accordingly, it is respectfully submitted that rejection of claims 15-21 has been overcome.

### B.    Rejection of Claims 1-21 under 35 USC § 102(b)

The Examiner has rejected claims 1-21 of the present application for lacking novelty under 35 USC § 102(b), as being anticipated by Veltman (US Patent No. 5,481,543) ("Veltman"). For the reasons stated below, applicant respectfully disagrees.

In response to applicant's arguments, the Examiner states:

> Clearly, since there are different times t1. t2, t3 and t4, there are time gap differences for processing multiple pictures in a chronological manner, following some type of schedule based on the encoder and the corresponding time stamps assigned to each picture in a group of pictures. Thus, Veltman does teach the arrival schedule with gaps based on removal time differences. Thus, Veltman discloses selecting, for said picture, a number of bits, wherein the time-equivalent of said number of bits is no greater than a difference based on said pre-decoder buffer removal time of said picture and an initial arrival time of said picture into a pre-decoder buffer.

Applicant respectfully disagrees with the Examiner's conclusion based on the unrelated disclosure of Veltman, and respectfully submits that Veltman fails to disclose "selecting, for said picture, a number of bits, wherein the time-equivalent of said number of bits is no greater than a difference based on said pre-decoder buffer removal time of said picture and an initial arrival time of said picture into a pre-decoder buffer." In fact, it is respectfully submitted that Veltman clearly states that it uses a "System Target Decoder" that operates in exact accordance with the MPEG-2 standard, as explained at col. 21, lines 32-42, of Veltman:

> The system target decoder 4 includes a reference video decoder, a reference audio decoder, and their respective input buffers. In addition, the system target decoder includes a directory decoder and an input buffer for the directory decoder. The size of the audio input buffer, the size of the video input buffer, and the operation of the audio and video decoders are defined by the MPEG standards. In addition, the invention defines the size of the directory buffer and the operation of the directory decoder to make them compatible with the sizes of the other buffers and the operation of the other decoders defined by the MPEG standard. (emphasis added.)

Applicant respectfully submits that it is not quite clear to applicant as to what "gap" the Examiner is citing in Veltman. Applicant suspects that the Examiner may be focusing on the gap between the decoding times of different pictures, i.e. gap in the processing times. However, as stated above, it is respectfully submitted that Veltman, as confirmed by its above-recited disclosure, does not teach any different video input buffer arrival time gap than that of the MPEG-2 standard, since Veltman's system target decoder (incorporating elements 42, 55, and the like) behaves according to the MPEG-2 standard.

It is respectfully submitted that the rules defining the MPEG-2 standard arrival time do not provide for arrival time gaps that are based on removal time differences. According to the MPEG-2 standard, the arrival times of compressed pictures are determined by the size of all the

previous compressed pictures and the *program_mux_rate*, which is defined in the recurring pack header, and allowed to change over time. According to the MPEG-2 standard, data enters pre-the decoder buffer continuously at the *program_mux_rate*, with no gaps in arrival time, and the *program_mux_rate* must be adjusted by the encoder to prevent overflow and underflow at the continuous arrival rate, even in variable bit rate operation.

In contrast to the MPEG-2 standard (which Veltman follows), claim 1 of the present application, for example, limits the arrival time of the second (and any subsequent) picture based on a difference in removal times of the first two pictures. It is kindly submitted that this arrival schedule with gaps based on removal time differences is a key aspect of the present invention, which is not disclosed, taught or suggested by the MPEG-2 standard (which Veltman follows).

One practical advantage of the invention of claim 1 is that the gap based on removal times enables the hypothetical model to be like a real encoder, which can only emit compressed bits for a picture after the picture has been captured and encoded. This happens if the HRD removal time mirrors the capture time (with a suitable delay), and that can be arranged at the discretion of the encoder.
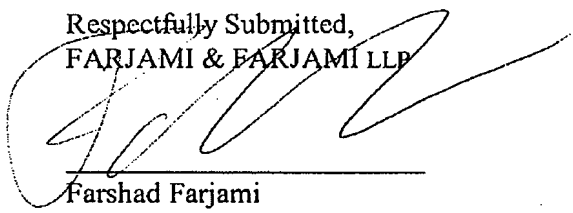
Accordingly, applicant respectfully submits that claim 1, and its dependent claims 2-7, are patentably distinguishable over Veltman. Further, independent claims 8 and 15 include limitations similar to those of claim 1. Therefore, claims 8 and 15, and their respective dependent claims 9-14 and 16-21, are also patentably distinguishable over Veltman.

Attorney Docket No.: 02CON382P-CIP
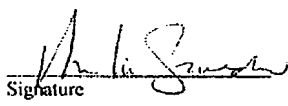Application Serial No.: 10/655,698

## C.   Conclusion

For all the foregoing reasons, an early Notice of Allowance directed to claims 1-21 is

respectfully requested.

Respectfully Submitted,
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